



Global Monitoring



Report on the

status of action against commercial
sexual exploitation of children

PAKISTAN



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Glossary of terms and acronyms

AIDS: Acquired Immune Deficiency Syndrome

Code of Conduct: A code for travel and tourism companies, providing guidance on the protection of children from sexual exploitation

CBO: Community-based organisation

CRC: Convention on the Rights of the Child

CSE: Commercial sexual exploitation

CSEC: The commercial sexual exploitation of children consists of criminal practices that demean, degrade and threaten the physical and psychosocial integrity of children. There are three primary and interrelated forms of commercial sexual exploitation of children: prostitution, pornography and trafficking for sexual purposes. Commercial sexual exploitation of children comprises sexual abuse by the adult and remuneration in cash or in kind to the child or a third person or persons.

CST: Child sex tourism, or the commercial sexual exploitation of children by men or women who travel from one place to another, usually from a richer country to one that is less developed, and there engage in sexual acts with children, defined as anyone under the age of 18.

ECPAT: End Child Prostitution, Child Pornography and the Trafficking of Children for Sexual Purposes

Grooming: Preparing a child for sexual abuse and exploitation

HIV: Human immunodeficiency virus

ICT: Information and communication technologies

IT: Information technology

ILO: International Labour Organization

ILO/IPEC: International Labour Organization/International Programme on the Elimination of Child Labour

INGO: International non-governmental organization

IOM: International Organization for Migration

IRC: Internet Relay Chat

ISP: Internet service provider

JDRH: Journalists for Democracy and Human Rights

LHRLA: Lawyers for Human Rights and Legal Aid

MoU: Memorandum of Understanding

NADRA: National Database Registration Authority

NCCWD: National Commission for Child Welfare and Development

NGO: Non-governmental organization

NPA: National plan of action

NWFP: North-West Frontier Province

PPA: Pakistan Pediatric Association

SAARC: South Asian Association for Regional Cooperation

SAF-VAC: South Asian Forum against Violence Against Children

SPARC: Society for the Protection of the Rights of the Child

STIs: Sexually transmitted infections

UN: United Nations

UNDP: United Nations Development Programme

UNESCAP: United Nations Economic and Social Commission for Asia and the Pacific

UNHCR: United Nations High Commissioner for Refugees

UNICEF: United Nations Children's Fund

UNIFEM: United Nations Development Fund for Women

UNOHCHR: United Nations Office of the High Commissioner for Human Rights

WHO: World Health Organization

WTO: World Tourism Organization

Foreword

Ten years have passed since the First World Congress against Commercial Sexual Exploitation of Children (CSEC) was held in 1996 in Stockholm, Sweden. The Stockholm Congress was a landmark event, providing testimony that convinced the world that sexual violations against children exist in all nations, irrespective of cultural differences or geographic location. It marked the first public recognition by governments of the existence of CSEC and resulted in a commitment to a global Declaration and Agenda for Action, which was formally adopted by 122 governments, as a guide to the specific measures that must be taken for counteraction.

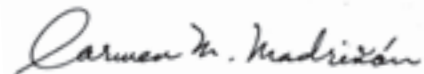
Since 1996, many actors around the world have focused their efforts around this common Agenda for Action and more government and non-government entities have linked, to ensure positive change for children and to protect their right to live free from sexual exploitation. This broad societal alliance (bolstered by a Second World Congress held in Yokohama in 2001, during which the number of countries adopting the Agenda rose to 159 - a figure which has since risen to 161) has made progress in improving protection for children from commercial sexual exploitation. However, the increasing sophistication of resources available to those who seek to exploit children have grown in equal measure. Responding to these challenges requires far more coordinated and targeted work to be undertaken to avoid retrogression.

Experience demonstrates that the level of responsibility and role that a government takes to set and uphold standards of protection, like the lead taken for protecting children's rights, determines the nature, quantity and quality of what the country achieves for its children. Governments can and have accelerated progress for implementation of the Agenda for Action, often opening new and important channels for such work. Nevertheless, their actions have not been uniform and, as these country profiles attest, far more urgent work must be done to protect children from such heinous violations, as these are still perpetrated with impunity in many countries.

This report aims to provide a baseline of information on actions taken and remaining gaps for addressing CSEC in each country, based on the framework of the Agenda for Action, to enable more systematic assessment of progress on implementation of this commitment. It also seeks to contribute to other international mechanisms that exist to protect children's rights; the *Convention on the Rights of the Child (CRC)* and the *Optional Protocol on the sale of children, child prostitution and child pornography* so as to strengthen the implementation and action against commercial sexual exploitation of children at all levels.

Another important objective of these reports is to stimulate the exchange of experience and knowledge among countries and different actors to create a dialogue that can further work against CSEC. While much has been achieved over the last 10 years, many gaps still remain. The implementation of the Agenda for Action is urgently required, for as the reports clearly illustrate, there is a compelling need for global action to protect children from these inhuman violations.

This project is the result of a broad and global collaboration. ECPAT International (EI) would like to thank all those who participated in the work and contributed their inputs, in particular the ECPAT member groups in the countries examined, local experts who provided valuable information and insights, other organisations that shared their experience and information, the dedicated staff and volunteers in the Secretariat of EI and the generous donors who backed the project (more extensive acknowledgements can be found in the Regional Report). This work would not have been realised without their support and solidarity.



Carmen Madriñán
Executive Director, ECPAT International

Methodology

The Agenda for Action against Commercial Sexual Exploitation of Children provides a detailed framework and categories of actions to be taken by governments in partnership with civil society organizations and other relevant actors for combating commercial sexual crimes against children. Broadly, these actions are focused on: 1) Coordination and Cooperation; 2) Prevention; 3) Protection; 4) Recovery, Rehabilitation and Reintegration; and 5) Child Participation. The Agenda for Action is thus the formal and guiding structure used by governments that have adopted it and committed to work against CSEC. As such, the Agenda for Action is also the main organising framework for reporting on the status of implementation of the Agenda as seen in the World Congress of 2001 and in the Mid-Term Review meetings held between 2004 and 2005. It has been used in the same way to structure and guide the research, analysis and preparation of information presented in these reports on the status of implementation of the Agenda in the individual countries.

Preparatory work for this report involved a review of the literature available on sexual exploitation for each of the countries where ECPAT works. A number of tools were prepared, such as a detailed glossary of CSEC terms, explanatory literature on more difficult themes and concepts and a guide to relevant CSEC-related research tools, to assist researchers in their work and to ensure consistency in the gathering, interpreting and analysing of information from different sources and parts of the world.

Early desktop research revealed a lack of information in the areas of Recovery, Rehabilitation and Reintegration; and Child Participation. After extensive efforts to collect information relevant to these areas for each of the countries covered, it was decided that as this information was not consistently available, the reports would focus only on those areas of

the Agenda for Action where verifiable information could be obtained. Thus, the report covers: Coordination and Cooperation; Prevention; and Protection, and where information on the other two areas was available, it has been included under the specific country or in the regional overview.

Research of secondary sources, including CRC country reports, alternative CRC reports, the reports of the Special Rapporteurs, submissions for the recent UN Study on Violence against Children, as well as research and field studies of ECPAT, governmental and non-governmental organizations, and UN agencies, provided the initial information for each report. This information was compiled, reviewed and used to produce first draft reports. In-house and consultant specialists undertook a similar process of review to generate information on specialised areas of the reports, such as the legal sections. Nevertheless, researchers often encountered a lack of information. While sources also included unpublished reports and field and case reports of ECPAT and other partners, many countries lacked up-to-date data and information on areas relevant to this report.

Despite these limitations, sufficient information was gathered to provide a broad overview of the situation in each country. Subsequently, first drafts were prepared and shared with ECPAT groups, which then supplemented the information with other local sources and analysis (taking care to identify them and source appropriately). Upon receipt of these inputs, a series of questions were generated by the ECPAT International team for deeper discussion through teleconferences, which involved ECPAT groups and specialists invited by them. The information from these discussions was used to finalise inputs to each of the reports. These consultations proved to be invaluable for analysis of the country situation.

They also served as a measure for triangulating and validating information as different actors offered their perspective and analysis based on their direct work.

As previously noted, the information of each country report is organised to correspond to the structure of the Agenda for Action. Thus all reports feature: (i) an overview of the main CSEC manifestations affecting the country; (ii) analysis of the country's National Plan of Action (NPA) against CSEC and its implementation (or the absence of an NPA); (iii) overview and analysis of coordination and cooperation efforts during the period under review; (iv) overview and analysis of prevention efforts; (v) overview and analysis of protection efforts, which includes detailed information on national legislation related to CSEC (see www.ecpat.net for further details); and (vi) priority actions required.



PAKISTAN

A report published in 2001 by the National Commission for Child Welfare and Development (NCCWD) revealed the existence of child prostitution in Pakistan, the first official admission of this violation of children's rights in the country¹. According to the report, both girls and boys are victims of prostitution. For example, in some parts of the North-West Frontier Province (NWFP), which borders Afghanistan, older, wealthy men “keep” young boys for sexual gratification, while girls from the poorest areas of the country are being taken by organised rings to clandestine brothels in large cities. Most of the girls prostituted in Punjab Province come from the NWFP or from Afghan refugee camps there, and seem to be forced into prostitution when they are in their early teens.²

High incidence of the commercial sexual exploitation of boys

The victimisation of boys was confirmed by situational analysis research conducted in 2004-2005 by ECPAT International and its network member group in the country, the Pakistan Pediatric Association (PPA). Runaways, school dropouts and illiterate boys from poor and often abusive families are found to be at high risk. The main factors pushing these boys into prostitution are the need for food, clothing, accommodation and money. The research noted that most boys forced into prostitution were sexually abused before they became involved in commercial sexual exploitation. Boys from the Afghan refugee community are particularly vulnerable because of their extreme poverty and lack of protection and parental supervision. Peer pressure is another important factor, particularly in cases of boys with alternate sexual identities: *zenanas* and *chawas* (boys with transvestite and feminine characteristics) who make up the majority of boy victims of prostitution in Lahore. Markets, parks, shrines, bus parks, cinema halls and other public places are the pick up points where exploiters approach the boys directly or through pimps. Almost all exploiters are local Pakistani men, and they come from all age groups and socio-economic backgrounds.³

Research undertaken in 2005 by the Working Group against Child Sexual Abuse and Exploitation and Save the Children Sweden indicated that nomad children, children in

the transport industry, children working in deep-sea fishing, children trafficked for camel jockeying, girls trafficked for marriage, “massage boys” and boys with alternate sexual identities are all to be found among the victims of commercial sexual exploitation of children (CSEC) in Pakistan.⁴ The research also indicated that the sexual exploitation of children occurs in many contexts, including in the red light district of Lahore, at some religious shrines and in schools.⁵

There is also an element of commercial sexual exploitation of children in the marriages of young girls (child marriages). UNICEF data shows that approximately 32 per cent of all girls were married before the age of 18.⁶ This is more prevalent in rural areas than in urban areas. In some cases, especially in certain tribal areas, parents may receive money in exchange for the marriage of their young daughters.⁷ Young girls may also be sold in marriage to total strangers who may be many years older than them.⁸ While the 1961 *Muslim Family Laws Ordinance* and the *Child Marriage Restraint Act* of 1929 allow girls over 16 to marry, cultural practices often sanction marriage at younger ages. Moreover, the enforcement of such laws has proved to be weak. Boys can only legally marry once they have reached the age of 18. Local groups are currently campaigning for amendments to the law so that girls are also only allowed to marry once they are 18 years old.⁹

The United States Department of Labor reports that Pakistan is a source, transit and destination country for child trafficking victims.¹⁰ It also states that girls are trafficked into Pakistan primarily from Bangladesh, Afghanistan, Iran, Myanmar, Nepal, and some countries in Central Asia, for the purposes of sexual exploitation and bonded labour. Girls are also trafficked internally for commercial sexual exploitation and exploitative labour.¹¹ According to research conducted by the non-governmental organization (NGO) Lawyers for Human Rights and Legal Aid (LHRLA), trafficked women and children are kept in “Bengali Paras” (slums). They are also sent to serve as domestic servants where they are often raped, tortured and subjected to physical, verbal and sexual abuse.¹²

Children in Pakistan are also threatened by the negative use of technology that exposes them to pornographic material. A study on the exposure of children to pornography in Internet cafés in Karachi, Lahore and Peshawar, conducted in 2001 by PPA and Save the Children Sweden, indicated that 20 per cent of cybercafé users are children. While only 50 per cent of the children interviewed admitted that they had visited a pornographic site, over 80 per cent were able to name a number of such sites,¹³ which may indicate that the percentage of those who had actually been exposed to pornography could be higher. Concerns remain over children being approached by predators in chat rooms or being asked to expose themselves via webcams.¹⁴

Lack of birth registration increases children's vulnerability

The Committee on the Rights of the Child has expressed concern regarding the fact that a significant number of children are not registered at birth in Pakistan, especially children belonging to the minority ethnic groups and children living in rural areas.¹⁵ Lack of birth registration, and therefore official identity, increases the vulnerability of children to commercial sexual exploitation for many reasons, including the easy manipulation of documents identifying their age and family.

Almost one-third of the population of Pakistan lives below the poverty line, and more than one-third of these (16 million) are children. Some 28 million children are denied access to education. Pakistan has one of the lowest literacy rates in the world: only 49 per cent of girls enrol in primary school, and usually stay there for an average of just over a year.¹⁶ According to the United Nations High Commissioner for Refugees (UNHCR), Pakistan hosts more refugees than any other country in the world.¹⁷ Refugee children are known to be more vulnerable and at risk of abuse and sexual exploitation than the average child.

Pakistan adopted the *Stockholm Declaration and Agenda for Action* in 1996 and reaffirmed its commitment in Yokohama in 2001.

NATIONAL PLAN OF ACTION (NPA)

The final revised draft of the *National Plan of Action on Children* was adopted by the Federal Cabinet in May 2006 and includes an annex on the *National Plan of Action against Child Abuse and Exploitation*. The focal agency for this NPA is the National Commission for Child Welfare and Development (NSSWD).¹⁸ The annex on the *National Plan of Action against Child Abuse and Exploitation* has three main components: prevention, protection, and recovery and rehabilitation, and features provisions for setting up formalised structures to tackle the commercial sexual exploitation of children more effectively by, for example, establishing multidisciplinary child sexual abuse (CSA)/CSEC management committees in hospitals, and developing referral systems for victims.

The *National Policy and Plan of Action against Child Abuse and Exploitation* was merged with the *Plan of Action on Children* during the cabinet adoption process in May 2006 (though it was originally developed as a separate NPA after extensive consultations with different stakeholders, including children).¹⁹ The *National Plan of Action against Child Abuse and Exploitation* was developed in 2001, and revised in 2004-2005 through a collaborative effort between the NCCWD, UNICEF, Save the Children Sweden, the Working Group against Child Sexual Abuse and Exploitation, as well as children. A number of consultations were held with children, including

child victims of CSEC, those at risk, and children with disabilities. A 'child-friendly' version of the Plan was prepared and distributed to all children participating in the process, which culminated in a two-day national consultation held in January 2005 in Islamabad. It is hoped that the combined National Plan will not undermine the importance of the Government's commitment to address the serious manifestations of CSEC within Pakistan. The Government at the time of writing, had not yet initiated consultations with stakeholders, to discuss implementation mechanisms of the newly adopted NPA.²⁰

The Ministry of Interior, in cooperation with the International Organization for Migration (IOM) developed a *National Plan of Action on Prevention and Control of Human Trafficking*, including trafficking in children, in 2004.²¹

COORDINATION AND COOPERATION

Local and National Level

In 2003, the Committee on the Rights of the Child stated that greater coordination is still required among the different bodies of the Government of Pakistan and at provincial and local government levels, for implementing and monitoring the *UN Convention on the Rights of the Child (CRC)*.²² In fact, while some efforts at improving coordination and cooperation to combat CSEC have emerged at national level, these are at the early stages and must be further developed in order to produce effective results. Coordination and cooperation between government and civil society to end violations of children's rights are scarce and often lack long-term strategic vision and planning.²³

The National Commission for Child Welfare and Development is the main agency responsible for implementing the CRC in Pakistan, and for coordinating implementation of the *National Plan of Action on Children*. As such, it set up the Working Group against Child Sexual Abuse and Exploitation - comprising local and international NGOs working on child rights and sexual exploitation, including PPA, *Sabil*, *Rozan*, Sach-Struggle for Change, Vision, Save the Children Sweden and Save the Children UK - which is responsible for providing advice and technical support for implementing the NPA.

In addition, the Office of the Prime Minister established the Inter-Ministerial Committee on Human Trafficking, Smuggling and Illegal Immigration, charged with developing a comprehensive policy to combat such problems. The Federal Government has also set up

an inter-agency task force to combat human trafficking, mandated to assess related legal loopholes and improve interagency cooperation. However, such structures focus on human trafficking in general, and not on trafficking in children for sexual purposes.

Regional and International Level

There is little evidence to date that the *South Asian Association of Regional Cooperation (SAARC) Convention on Combating the Crime of Trafficking in Women and Children for Prostitution* is being implemented in Pakistan.²⁴

There have been a number of regional level meetings and commitments from South Asian Governments to address CSEC and violence against children. At the South Asia Regional Consultation on the UN Study on Violence against Children, hosted by the Government of Pakistan in May 2005, the South Asian Forum against Violence against Children (SAF-VAC) was formed at ministerial level with commitments from the Governments of Afghanistan, Bhutan, India, Maldives, Nepal, Pakistan and Sri Lanka, in collaboration with civil society organizations and children's groups.²⁵ An SAF Secretariat has been set up and a Coordinator appointed (currently hosted by the Government of Pakistan) with the intention of rotating this post among the SAF member Governments every two years.

One of the main functions of the SAF Secretariat is to facilitate exchange of information and resources and conduct timely regional ministerial and technical meetings to monitor the progress of activities of the Forum. The first regional SAF meeting, which was convened in Pakistan in July 2006, focused on the physical and psychological punishment of children and early marriage. The meeting was also attended by representatives from the United Nations Children's Fund (UNICEF), United Nations Development Fund for Women (UNIFEM), Save the Children, PLAN International, ECPAT International, United Nations Population Fund (UNFPA), UNAIDS and others. A two-day Children's Forum was also organised to allow children to contribute to the Ministerial meeting.²⁶

The South Asia Coordinating Group on Violence against Children has a sub-group on trafficking that is currently working to propose amendments regarding the SAARC Convention on Trafficking to the SAARC Secretariat.²⁷

Delegates from the Governments of eight South Asian countries met in Colombo, Sri Lanka, from 29 September - 1 October 2004, for the South Asia Regional Mid-Term Review (MTR) of the Yokohama Global Commitment. Children and young people, international and local NGOs, researchers and private sector representatives, together with Government delegates, presented an overview of actions taken, discussed remaining challenges and identified priorities for moving forward, as outlined in the South Asian Strategy against CSEC.²⁸

PREVENTION

Sexual exploitation prevention efforts in Pakistan have focused largely on research, awareness raising and some preventive support services in major urban areas. NGOs and the Government have been active in bringing the problem into the public agenda. Yet the commercial sexual exploitation of children still suffers from a lack of recognition as a violation of child rights. At the same time, limited investments in long-term structural reforms, such as poverty eradication and access to education, have been made in order to change the social, economic and cultural factors that make children vulnerable to commercial sexual exploitation.²⁹

Some of the NGOs in the country have been active with regard to CSEC prevention. *Bedari* uses street theatre as a tool to raise awareness on CSA and CSEC and conducts research and training on this issue³⁰; *Rozan* involves students, teachers and parents in campaigns to expose various types of abuse of children and provides counselling to prevent children from becoming victims of CSEC³¹; the Society for the Protection of the Rights of the Child (SPARC) advocates for greater child protection and a child-friendly juvenile justice system, and releases an annual State of Pakistan's Children Report³²; and *Sabil* works on child rights education and training on CSA and CSEC prevention, and also publishes research reports, newsletters and magazines on CSA-related issues³³. The group has also developed a book for mothers on the safety of children, their bodies and their health. Journalists for Democracy and Human Rights (JDHR) sensitises media professionals, through its Media-Civil Society Interface initiative, on how to report appropriately on child abuse and exploitation, and helps to promote the work of other civil society groups working on CSEC, through the media.³⁴

The Pakistan Paediatric Association holds annual conferences on child sexual abuse and commercial sexual exploitation of children and uses its expertise and resources to promote measures to tackle these problems. PPA has organised consultations on the exposure of

children to online pornography in some provincial capital cities, targeting Internet service providers (ISPs), Internet café owners, media practitioners and government officials. The Association has also developed and disseminated net-smart rules on safe Internet use by children.³⁵

Lawyers for Human Rights and Legal Aid works with victims of trafficking and provides legal aid and referral services called *madadgaar*. They are also working to repeal the *Offence of Zina (Enforcement of Hudood) Ordinance (Zina Ordinance)*, a Pakistani law which is used in many cases to victimise girls. In addition, they have published research reports on trafficking in women and children into Pakistan.³⁶

The Working Group against Child Sexual Abuse and Exploitation works closely with the NCCWD, and has conducted research and organised a number of awareness raising, advocacy and capacity building events.³⁷

A number of research studies have been conducted on sexual violence and related issues. In 2005, Save the Children Sweden and the Working Group against Child Sexual Abuse and Exploitation published a situational analysis on CSEC in Pakistan.³⁸ The final report included recommendations for undertaking further research in this field, and for strengthening CSEC prevention and protection, as well as providing services for children vulnerable to or victims of sexual exploitation.

PPA conducted a series of studies on child sexual abuse and commercial sexual exploitation: the study on *Exposure of Children to Pornography in Internet Cafés*, jointly conducted with Save the Children Sweden, led the Pakistan Telecommunication Authority to block more than 10,000 pornographic websites. The Telecommunication Authority also urged Internet café owners to follow a voluntary code of conduct to tackle the problem of pornography (although this recommendation has not been observed to date).³⁹

The Child Rights and Abuse Committee of PPA, in collaboration with ECPAT International, also conducted a *Situational Analysis on the Prostitution of Boys in Pakistan (Lahore and Peshawar)* as previously mentioned.⁴⁰ Similarly, in 2004, *Sabil* published a pilot study report called *The Other Side of Childhood: Male Child Prostitution at a Bus Stand in Pakistan*, focusing on a particular bus stand in the Rawalpindi area; several boys involved in prostitution, pimps, clients, policemen and others were interviewed for the report.⁴¹ *Sabil* also published another study on commercial sexual exploitation of children in 2004 called *An Anthropological Glance at CSEC and CSA among a Gypsy Community of Pindor*.⁴²

Other research on sexual violence and exploitation that has been undertaken includes *Sexually Abused and Sexually Exploited Children and Youth in Pakistan: A qualitative assessment of their health needs and available services in selected provinces*, jointly conducted by NCCWD, the Government of Japan and the UN Economic and Social Commission for Asia and the Pacific (UNESCAP).⁴³ This research was published in 2001 and it identified common health and social problems and needs of sexually abused children. It also explored the range of services available to them and the capacities and potential of the different agencies providing such services.

Additionally, research to uncover the dynamics of internal and external trafficking in human beings and to identify policies and programme interventions to combat trafficking has been an essential part of the Time-Bound Programme of the International Labour Organization/International Programme on the Elimination of Child Labour (ILO/IPEC) preparatory process (the Programme will run until December 2009).⁴⁴ In Pakistan, ILO/IPEC has established prevention, withdrawal and rehabilitation programmes for children in bonded labour and their families. These programmes are not targeted for children in situations of commercial sexual exploitation, but rather for equally vulnerable children in other sectors such as glass bangle making, surgical instrument manufacturing, tanneries, coal mining, scavenging, deep-sea fishing/seafood-processing, carpet weaving and soccer ball stitching.⁴⁵

The Provincial Government of Punjab Province is making efforts to improve education and stem the flow of yearly dropouts (estimated at four million).⁴⁶ Programmes include providing free textbooks and stipends to support literacy projects for girls, hiring 16,000 additional teachers, and establishing a new district-level monitoring team. Punjab also established a Child Protection Bureau that offers services to street children and others in difficult circumstances. The Central *Zakat* Council administers 56 vocational training centers in the region.⁴⁷

UNICEF is working with NGOs, the media and children to develop a mass communication strategy that will seek to break the silence on child exploitation and abuse. Ten forums with children were held in 2005 in Punjab to learn what children were experiencing and what they thought should be done to protect them.⁴⁸

A training project was launched by the Sindh Journalists Network (SJNI), in association with UNICEF, to guide journalists on how to report violations against children in a sensitive manner.⁴⁹

Finally, a National Database Registration Authority (NADRA) was created to keep records of all citizens for issuance of national identity cards, which will ensure official identity for the children and minimise the chances of forgery. Machine-readable passports are also being issued to reduce counterfeiting documents and to check crime syndicates and monitor individuals who may be involved in crimes including trafficking.⁵⁰

PROTECTION

The Government of Pakistan ratified the *Convention on the Rights of the Child* in 1990 and signed the *Optional Protocol on the sale of children, child prostitution and child pornography (Optional Protocol)* in 2001 but has not ratified it to date. Pakistan has not signed the *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (Trafficking Protocol)*. *ILO Convention No. 182* was ratified in 2001. At regional level, Pakistan ratified the *SAARC Convention on Trafficking* and the *SAARC Convention on Child Welfare*.

The Federal Government declared 2004 the Year of Child Rights and Welfare in Pakistan, and a number of activities were conducted to raise awareness on child rights and issues surrounding child protection (though the exact impact of these programmes is yet to be analysed and shared). Furthermore, the Government intends to establish research centres for CSA and CSEC, and to develop databases and indicators.⁵¹ Progress on implementation has been slow on the government's side. Similarly, the setting up of child protection units has been initiated in Islamabad but has not made any significant progress.⁵²

Legislation

Pakistan's laws that could be used to prosecute cases involving the prostitution of children, child trafficking for sexual purposes and child pornography are contained in a variety of provisions that protect children inconsistently. In particular, Pakistan's *Offence of Zina (Enforcement of Hudood) Ordinance of 1979 (Zina Ordinance)* may punish many child victims of commercial sexual exploitation rather than protect them.

Prostitution of Children

Pakistan has two laws that address the prostitution of children: the *Pakistan Suppression of Prostitution Ordinance* of 1961 (*Prostitution Ordinance*) and the *Zina Ordinance*. While the *Prostitution Ordinance* punishes acts related to child prostitution, such as encouraging, procuring or causing the seduction or prostitution of girls, the law fails to define child prostitution or punish the act of having sex with a child for remuneration. This law also fails to protect all boys, and offers limited protection to girls between the ages of 16 and 18, all of whom are equally, if not more vulnerable, to prostitution. For all these reasons, this law falls short of the international standards set forth in the CRC and its *Optional Protocol*. The *Zina Ordinance* is even more troubling because of its draconian punishment of early teenage girls who may be classified as offenders within the scope of this law. As a whole, the *Zina Ordinance* hinders the protection of children against prostitution, and is completely contrary to the CRC, which Pakistan has ratified, and the *Optional Protocol*, which Pakistan has signed. Ongoing efforts to replace the *Zina Ordinance* by the *Women's Protection Bill*, which is currently being debated in Parliament, are thus welcome.

Under the *Prostitution Ordinance*, it is illegal for a person who has custody, charge or care of a girl under 16 years of age to cause, encourage or abet her seduction or prostitution. Punishment may be up to three years' imprisonment and a fine of up to 1,000 rupees (approximately US\$ 16), and, if the offender is male, a whipping.⁵³ This law also prohibits procuring, enticing, leading away or attempting to procure, entice or lead away any woman or girl for purposes of prostitution, with or without her consent; or, persuading a woman or girl to leave her usual place of abode, with the intent that, for purposes of prostitution, she becomes the "intimate" of or frequents a brothel.⁵⁴ Punishment may be up to three years' imprisonment, and, if the offender is male, a whipping that is in lieu of or in addition to any other punishments provided under this ordinance.⁵⁵ In addition, the law prohibits keeping a woman or girl against her will, with the intent that she will have sex with a man other than her lawful husband: punishment may be up to three years' imprisonment, a fine up to 1,000 rupees (US\$16) and, if the offender is male, a whipping.⁵⁶

The *Zina Ordinance* targets and punishes various forms of unlawful sexual intercourse, and its definition of an adult woman brings early teenage girl children within its scope.⁵⁷ The law defines a female as being at least 16 years of age or having attained puberty as an "adult"⁵⁸ and prohibits sex between a man and a woman who are not married to each other.⁵⁹ Punishment for an "adult" Muslim married man or woman is death by stoning, while punishment for unmarried adult men or women is a public whipping.⁶⁰ If these

punishments are not enforceable in a given case, the offender may be punished with up to ten years' imprisonment, a whipping, or a fine.⁶¹

The law also punishes sex outside a valid marriage where it is against the will or without the consent of the victim; or, where the consent of the victim was obtained by fear of death or threats, or consent was given because the victim believed that s/he is validly married to the offender.⁶² Punishment for an "adult" Muslim married man or woman is death by stoning, while punishment for unmarried adult men or women is a public whipping and any other punishment, including death.⁶³ Where the offender is not an adult, however, punishment may be up to five years' imprisonment or a fine, or both, and a whipping.⁶⁴ Furthermore, if these punishments are not enforceable in a given case, the offender may be punished with four to twenty-five years' imprisonment and a whipping.⁶⁵

If the offender does not confess to the crime, proof requires four adult male Muslim eyewitnesses to testify to the act of penetration. If the offender is non-Muslim, the eyewitnesses may be non-Muslim.⁶⁶ Punishment shall not be enforced if an offender's confession or an eyewitness's testimony is recanted.⁶⁷ The *Zina Ordinance* places an almost impossible burden of proof on women and girls. Once they complain, those women and girls are themselves exposed to charges of *Zina* – having admitted to the fact of "penetration" outside wedlock, which is a crime under the *Zina Ordinance*. Consequently, the victims are more likely to be convicted than the perpetrators, since only the word of the girl is needed to implicate herself, but four witnesses are necessary to convict the man.⁶⁸

Trafficking in Children for Sexual Purposes

Pakistan's laws in the area of child trafficking are somewhat better than its laws on child prostitution, but they could be further strengthened to protect all children consistently against trafficking for sexual purposes. The *Trafficking Ordinance's* offence of child trafficking does not clarify that it applies in cases where children have provided consent. As a result, it may not include cases where children are tricked into providing consent to be trafficked. Since its provisions are limited to trafficking into and out of Pakistan, it leaves out cases of internal trafficking. The *Prostitution Ordinance*, on the other hand, appears to address cases of internal trafficking by prohibiting the bringing of a woman or girl into a province for prostitution, but it does not include cases involving trafficking into and out of Pakistan, nor does it prohibit most of the activities that constitute trafficking, such as transferring, harbouring, or receiving a child for purposes of prostitution. Moreover, it is limited to girl children and offers no protection to boys.

Similarly, while the *Zina Ordinance* prohibits selling, buying, kidnapping, abducting, concealing, detaining or inducing a person for purposes of illicit intercourse, in some cases it only protects girls and women, and also leaves out many other activities that constitute trafficking.

Pakistan has three laws that address human trafficking: the *Prevention and Control of Human Trafficking Ordinance (Trafficking Ordinance)*; the *Pakistan Suppression of Prostitution Ordinance*; and the *Offence of Zina (Enforcement of Hudood) Ordinance (Zina Ordinance)*.

Under the *Trafficking Ordinance*, trafficking is kidnapping, abducting, coercing, or giving or receiving any payment or benefit for a person's transport into or out of Pakistan, to buy, sell, recruit, detain, harbour, obtain, secure, or receive a person, with or without their consent.⁶⁹ The law punishes planning or executing a plan of trafficking to attain any benefit for purposes of exploitative entertainment, among other things:⁷⁰ “exploitative entertainment” includes sexual practices or sex.⁷¹ Planning to commit a trafficking offence, but not doing so, may be punished with up to five years' imprisonment and a fine; planning or executing a plan of trafficking into or out of Pakistan may be punished with up to seven years' imprisonment and a fine; and if the trafficking offence includes kidnapping, abduction or attempting to kidnap or abduct, punishment may be up to ten years' imprisonment and a fine.⁷²

The *Trafficking Ordinance* also prohibits buying, selling, harbouring, transporting, providing, detaining, or obtaining a child or woman by coercion, kidnapping, abduction or by giving or receiving any benefit for trafficking the child or woman into or out of Pakistan for purposes of exploitative entertainment.⁷³ Punishment may be up to ten years' imprisonment and a fine, or up to 14 years' imprisonment and a fine if kidnapping or abduction took place.⁷⁴ The law further punishes altering documents to facilitate an offence;⁷⁵ preventing or restricting a person's liberty to move or travel;⁷⁶ organised criminal activity in connection with trafficking,⁷⁷ and repeated violations.⁷⁸ This statute provides some assistance to child victims, such as medical care and shelter.⁷⁹

In addition to these provisions in the *Trafficking Ordinance*, the *Prostitution Ordinance* prohibits bringing or attempting to bring any woman or girl into another province for purposes of prostitution. Violators may be punished with up to three years' imprisonment, a fine of up to 1,000 rupees (US\$ 16), and, if male, a whipping in lieu of or in addition to these punishments.⁸⁰

Finally, the *Zina Ordinance* prohibits various activities related to trafficking, such as

inducing a woman to go from any place with the intent that she may, or knowing that it is likely that she will, be forced or seduced into illicit intercourse;⁸¹ kidnapping or abducting a person so that they may, or knowing that it is likely that the person will, be subjected to the unnatural lust of another person;⁸² buying or selling a person for purposes of prostitution or illicit intercourse;⁸³ or, taking away, concealing, or detaining a woman with the intent that she may have illicit intercourse with any person.⁸⁴

Child Pornography

Pakistan has not enacted specific legislation to combat child pornography. No differentiation is made between adult and child pornography, so child pornography falls under a general ban on obscene materials. It is unclear whether the obscenity law in the *Penal Code* applies to child pornographic images as defined by the *Optional Protocol* - images depicting a child engaged in real or simulated explicit sexual activities or any representation of the sexual parts of a child for primarily sexual purposes.⁸⁵ Even if it does, this law does not include electronic or digital images, audio recordings, or simulated images, nor does it punish the mere possession of such images or recordings. Thus, Pakistani law does not meet international standards against child pornography.

The *Penal Code* prohibits making, producing or possessing obscene books, pamphlets, papers, drawings, paintings, representations, figures or objects for sale, hire, public distribution, exhibition, or circulation.⁸⁶ Importing, exporting or conveying any obscene object for any of the foregoing purposes, or knowing that any of the foregoing will take place, is also punishable,⁸⁷ as is receiving profits from any business where a person knows or has reason to believe that obscene objects will be made, produced, kept, imported, exported, conveyed, publicly exhibited or circulated.⁸⁸ Lastly, advertising that a person is engaged in or ready to engage in any of the foregoing acts or that a person can procure an obscene object is an offence.⁸⁹ All these activities may be punished with up to three months' imprisonment, or a fine, or both.⁹⁰

Extraterritorial Legislation

Pakistan has no extraterritorial legislation.

Child Protection Units

There are no specialised child protection units in Pakistan, though plans to set these up have been in the pipeline for the past few years. While the promulgation of the *Juvenile Justice System Ordinance (JJSO) 2000* was an important achievement in terms of offering greater protection to girls and boys coming into conflict with the law, its actual implementation has been slow, and the child-friendly procedures it proposes have not been consistently implemented across the country. NCCWD is working to establish a Protection Unit in Islamabad, which will be further expanded throughout the country in all districts. In Lahore, the Bureau for Child Protection and Welfare is run by the Punjab Government and they are trying to develop similar models in other cities as well in cooperation with NCCWD.⁹¹

Support Services for Children

There are limited support and rehabilitation services for children escaping sexual violence and exploitation, and these are only available in a few areas of the country.

Some NGOs such as *Madadgaar*, a joint venture of the Lawyers for Human Rights and Legal Aid and UNICEF, have established referral services and legal aid.⁹² Moreover, NGOs such as *Sahil*, *Rozaan*, the Pakistan Pediatric Association, *Sach-Struggle for Change* and *Vision* are providing services to victims of CSA and CSEC in some cities, including rescue/recovery operations, rehabilitation and psychosocial counselling, awareness raising, and the provision of free legal aid.


A manual on psychosocial recovery and rehabilitation of victims of child sex abuse (which includes CSEC) was developed by the NCCWD with members of the Core Group involved in drafting the *National Policy and Plan of Action against Child Sexual Abuse and Exploitation*. Based on this manual, members of the Core Group organised training events for a number of professionals between 2002 and 2004.⁹³

Training Law Enforcement Personnel

The Committee on the Rights of the Child has expressed concern regarding the numerous reports of torture, ill-treatment and sexual abuse of children, including those belonging to religious or other minority groups, by police officers in detention facilities and other State institutions.⁹⁴

Three-hundred federal investigative agents have been trained to monitor and report cases of child trafficking,⁹⁵ and a number of female officials have been hired and trained to identify women and child victims of human trafficking at 18 border stations. The Government has organised some conferences to educate government officials and NGOs on the issue.⁹⁶

The Society for the Protection of the Rights of the Child, with the active cooperation of the Swiss Agency for Development and Cooperation (SDC) and the Royal Norwegian Government is undertaking extensive training programmes that include CSA and CSEC, for prison, police and probation officials.⁹⁷



PRIORITY ACTIONS REQUIRED

- With the merging of the *National Plan of Action on CSEC* into the *National Plan of Action on Children*, the Government of Pakistan must ensure that this does not undermine the importance and the commitment of translating the provisions against CSEC into actions. The Government needs to allocate an adequate budget and work on the provisions against CSEC in consultation with relevant government agencies and NGOs.
- The commercial sexual exploitation of boys is not understood, and its existence is not acknowledged. As a result, boys receive minimal social and legal protection. This particular form of exploitation should be officially acknowledged and provisions to protect boys need to be included in all the policies, programmes and legal provisions throughout the country.
- Special attention and prevention mechanisms need to be developed and implemented, aimed towards at-risk and vulnerable groups of children, particularly nomad children, children in the transport industry, children working in deep-sea fishing, children trafficked for camel jockeying, girls trafficked for marriage, “massage boys”, boys with alternate sexual identities, and children in refugee camps. Similarly, responses to children in emergencies need to focus equally on developing local child protection systems in a timely manner.
- Gender-based sexual violence is a major problem in Pakistan. Education to stop gender discrimination and oppression must be instituted. Long-term structural reforms should be implemented to guarantee universal access to primary education for both sexes.

- ✎ Pakistan must ratify the *Optional Protocol on the sale of children, child prostitution and child pornography (Optional Protocol)*, and sign and ratify the *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (Trafficking Protocol)*.
- ✎ Comprehensive legal reform is urgently needed to combat child prostitution, trafficking in children for sexual purposes and child pornography effectively. The legislation presents severe gaps in terms of adequately protecting children, and fails to tackle sexual abuse and exploitation from a rights-based approach.
- ✎ The *Zina Ordinance* should ideally be repealed or at least drastically amended.
- ✎ Informal courts (*jirgas*) comprising village chiefs in rural societies are prevalent. They fail to protect the rights of children and women and make them vulnerable to sexual exploitation and abuse. Such illegal courts should be prohibited.
- ✎ Child protection units specialised in investigating crimes against children should be established and staffed with officers properly trained on how to deal with child victims of crime.
- ✎ The enforcement of the *JJSO* needs to be fostered through structured training for law enforcers and other professionals dealing with children in legal proceedings.
- ✎ There is a need to establish specialised rehabilitation centres for children victimised through commercial sexual exploitation, with staff trained to respond to their specific needs. A formally structured referral system also needs to be set up.
- ✎ Standards of institutional care and protection should be established for organisations providing support to children escaping from commercial sexual exploitation. Mechanisms for building the capacity of such organisations and monitoring the quality of the services provided must be put in place.
- ✎ Measures to ensure the timely registration of all births, particularly children belonging to religious or other minority groups and those in rural areas, should be adopted.⁹⁸ Marriage registrations should be enforced to prevent child marriages.

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